

**REMARKS**

Claims 1-29, 31, 32, 34-39 and 41-49 are currently pending; claims 30, 33, 40 and 50-67 being canceled by the present amendment; and claims 1-11, 13-16, 18-21, 2329, 31, 32, 34, 35, 37-39, 41-48 being currently amended by the present amendment.

**Claim Amendments**

Claims 1-11, 13-16, 18-21, 2329, 31, 32, 34, 35, 37-39, 41-48 are currently amended.

Claim 1 has been amended to include the subject matter of claim 30 and to address editorial matters. Support for the claim amendments may be found throughout the specification and at least at original claim 30, page 6, lines 4-14 and page 9, lines 10-15.

The claims were further amended to make editorial changes consistent with the amendments to claim 1 and to address the Examiner's asserted 35 USC § 112, second paragraph and § 101 rejections. These rejections have now been rendered moot and are respectfully requested to be withdrawn.

**Art Rejection -35 USC § 102(b)**

Claims 1-67 (now 1-29, 31, 32, 34-39 and 41-49) stand rejected under 35 USC § 102(b) as being anticipated by EP 1 081 777 (EP '777). Applicants respectfully traverse this rejection.

EP '777 describes a negative electrode material for non-aqueous electrolyte rechargeable batteries.

This material is in the form of a composite particle of an active material particle having a lithium ion storing phase, which contains at least Sn as a lithium storing phase component and a lithium ion non-storing phase; and an electronically conductive material which coats at least part of the surface of said active material particle (see paragraph [0012]).

The component of the lithium ion non-storing phase is selected from the group consisting of the group 2 elements, the transitional elements, the group 12 elements, the group 13 elements and the group 14 elements in the periodic table. That component forms a solid solution or an intermetallic compound with Sn (see paragraphs [0013] and [0029]).

Although carbon belongs to group 14 elements and is mentioned in paragraph [0070], the use of graphite as material constituting the coated **nucleus** of the particles is not mentioned in EP '777.

EP '777 does not therefore disclose a particle material having nucleus comprising graphite.

Further in EP '777, the conducting material used for the coating is, for example, a conductive polymer, a carbonaceous material (such as graphite type carbons) or a metallic material (see paragraph [0030]).

However, since a particle material having a nucleus comprising graphite is not disclosed, EP '777 does not anticipate or render obvious the pending claims.

In addition, the material disclosed in EP '777 can be prepared according to a process comprising a step of applying a mechanical energy comprising a compressive force and a grinding force to a mixture of a negative electrode active material particle and an electronically conductive material through a mechanochemical reaction to give said material (see paragraph [0020]). For example, and when the conductive material is not a conductive polymer, this step can be performed with a compression grinding type pulverizer, at a rotation speed of 1800 rpm with the processing time of 20 minutes (see paragraph [0070]).

However, EP '777 does not disclose any preparation process comprising two successive grinding (crushing) steps as it is now specified in pending process claim 1.

Therefore EP '777 does not anticipate or render obvious any of the pending claims. Accordingly, the rejection is respectfully requested to be withdrawn.

**Conclusion**

For at least the reasons stated above, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections and objections, and to allow the present application.

In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: 9 February 2009

By:

A handwritten signature in black ink that reads "T.D. Boone". The signature is written in a cursive, stylized font. The "T" and "D" are large and prominent, with the "Boone" written in a more fluid, connected script.

Travis D. Boone  
Registration No. 52635

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620